



Attorney Docket No.: NVID-P000140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on the below date of deposit.

Date of Deposit:	12/09/03	Name of Person Making the Deposit:	ANTHONY CHOU	Signature of the Person Making the Deposit:
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*Anthony Chou*

[X]

In-re Application of: David B. Kirk

Serial No.: 09/454,941

Examiner: KIM, H.

Filed: 12/02/1999

Art Unit: 2182

For: METHOD AND SYSTEM FOR PROVIDING A COMMAND STREAM IN A COMPUTER SYSTEM

Patent No.:

Issued:

RECEIVED  
DEC 18 2003  
OFFICE OF PETITIONS

**ERRONEOUS ESTABLISHMENT OF STATUS AS SMALL ENTITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST AND SUBMISSION UNDER 37 C.F.R. § 1.28(c) THAT  
ERRONEOUS ESTABLISHMENT OF STATUS AS A SMALL ENTITY BE  
EXCUSED &**

**NOTIFICATION UNDER 37 C.F.R. § 1.28(c) OF ERROR IN PAYMENT OF  
ANY FEE(S) AS A SMALL ENTITY &**

**ITEMIZATION AND PAYMENT OF ANY DEFICIENCY UNDER 37 C.F.R. §  
1.28(c)**

**ERRONEOUS ESTABLISHMENT OF STATUS AS A SMALL ENTITY**

1. On 12/2/1999, a small entity assertion was erroneously made in this

[X] application

[ ] patent

12/18/2003 RMONDAF1 00000062 09454941

09/18/2003  
01/15/2003

770.00 CF  
144.00 CF

2. This assertion of small entity status and any payment of fee(s) as a small entity were made in good faith.
3. It has now been discovered that such status as a small entity was established in error. There was no attempt to fraudulently establish status as a small entity or pay fees as a small entity. Moreover, there was no intent to deceive in establishing status as a small entity or paying fees as a small entity.
4. ~~The Office is hereby notified that status as a small entity is no longer claimed.~~

**ITEMIZATION OF THE FEE(S) ERRONEOUSLY PAID AS SMALL ENTITY AND OF THE DEFICIENCY (37 C.F.R. § 1.28 (c))**

5. ☐ No Fees have been paid as a small entity.
- ☒ The Deficiency Under 37 C.F.R. § 1.28 (c) has been calculated as shown below:

*A Type of Fee Erroneously Paid As A Small Entity	Date Paid As A Small Entity	*B Current Fee For A Non- Small Entity  (Column 1)	Fee Actually Paid As A Small Entity  (Column 2)	*C Deficiency Owed
Basic Filing Fee-Utility	12/2/1999	\$770.00	\$380.00	\$390.00
8 claims in excess of twenty	12/2/1999	\$144.00	\$72.00	\$72.00
<b>Total Deficiency</b>				<b>\$462.00</b>

- \*A. Examples: Filing Fee, Fee For Excess Claims, Extension of Time Fee, Issue Fee, Maintenance Fee, etc.
- \*B. On the date the Deficiency is paid in full.
- \*C. Enter: Column 1 – Column 2, if (Column 1 – Column 2) is greater than Column 2.  
or  
Enter: Column 2, if (Column 1 – Column 2) is less than Column 2.

**PAYMENT OF DEFICIENCY**

6. ☐ No Deficiency Is Owed.
- ☒ The total deficiency owed is paid as follows:

☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.

☒ A check in the amount of \$ 462.00

☐ Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

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Please direct all correspondence concerning the above-identified application/patent to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060

Respectfully submitted,

Date: 12/9/2003

By: 

Anthony C. Murabito  
Reg. No. 35,295

# Transaction List

Search by

☐ Accounting Date:  (MMDDYY)

Operator ID:

Accounting Date

Starts:

Ends:

☒ Name/Number:  09454941

☐ Attny Docket No:

☐ Deposit Account No.:



Accounting Date	Operator ID	Seq. No.	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acct
12/18/2003	AWONDAF1	104	SALE	1801	A	770.00	09454941	
12/22/1999	DNGUYEN	220	SALE	581	A	40.00	09454941	022120
12/14/1999	SCARMICH	65	SALE	203	A	72.00	09454941	
12/14/1999	SCARMICH	64	SALE	201	A	380.00	09454941	



Adjustment Detail

Authorization Detail



Adjustment date: 12/18/2003 AWONDAF1  
 12/14/1999 SCARMICH 00000034 09454941  
 01 FC:201 -380.00 OP  
 02 FC:203 -72.00 OP